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PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

EASTERN DIVISION

Civil Action Number 4:24-CV-00051-M-RN

Cynthia B. Avens

(Plaintiff)

Faris C. Dixon, Jr., District Attorney

Pitt County Memorial Hospital, Inc.

Dr. Karen Kelly, Medical Examiner

John/Jane Doe

John/Jane Doe

John/Jane Doe

(Defendants)

PLAINTIFF'S MOTION TO DENY
DEFENDANT'S JOINT MOTION
TO CONTINUE RULE 26(f)
CONFERENCE AND
POSTPONE ENTRY OF
RULE 16(b) SCHEDULING
ORDER

PLAINTIFF'S MOTION TO DENY DEFENDANT'S JOINT MOTION TO CONTINUE
RULE 26(f) CONFERENCE AND POSTPONE ENTRY OF RULE 16(b) SCHEDULING
ORDER

Plaintiff, Cynthia B. Avens, respectfully submits this Motion to Deny Defendants' Joint
Motion to Continue Rule 26(f) Conference and Postpone Entry of Rule 16(b) Scheduling
Order. In support of this motion, Plaintiff states as follows:

1. On June 4, 2024, Defendants filed a Joint Motion to Continue the Rule 26(f) Conference and Postpone Entry of the Rule 16(b) Scheduling Order, citing the pending motions to dismiss.
2. While the Defendants argue that proceeding with the Rule 26(f) conference and the entry of the Rule 16(b) scheduling order would be premature given the pending motions to dismiss, the Plaintiff does not consent to this delay.
3. Plaintiff asserts that proceeding with the discovery process is essential for the timely resolution of this case and for the Plaintiff's ability to adequately prepare for trial.
4. Delaying the Rule 26(f) conference and the scheduling order could unfairly hinder the Plaintiff's pursuit of justice and extend the timeline for resolving this matter, which has already been delayed.
5. Plaintiff believes that the Defendants' motion to dismiss should not stop the start of discovery and that the Rule 26(f) conference should happen as planned.

Plaintiff respectfully asks that this Court deny the Defendants' Joint Motion to Continue the Rule 26(f) Conference and Postpone Entry of the Rule 16(b) Scheduling Order and grant any other relief deemed fair and appropriate.

Respectfully submitted,

/s/ Cynthia B. Avens

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CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2024, I mailed by United States Postal Service, the Plaintiff's Motion to Deny Defendant's Joint Motion to Continue Rule 26(f) Conference and Postpone Entry of Rule 16(b) Scheduling Order to the Clerk of the U.S. District Court. Upon docketing, the CM/ECF system will send electronic notification of such filing to the defendants' counsel:

Respectfully submitted,

/s/ Cynthia B. Avens

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